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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,526	11/21/2001	Radomir Mech	MS1-1032US	3095
22801	7590	12/05/2003	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			ARNOLD, ADAM	
			ART UNIT	PAPER NUMBER
			2671	

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/991,526	MECH ET AL.
	Examiner	Art Unit
	Adam Arnold	2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5 and 6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollis, U.S. Patent No. 6,580430. Referring to claim 1, Hollis discloses a method comprising determining a distance between a user to boundaries of a gaseous volume (col. 10, lines 4-5) and storing alpha information (col. 9, line 30). Hollis does not explicitly disclose storing this information in an alpha channel. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to store fog boundary information in an alpha channel. One of ordinary skill in the art would have been motivated to do this because regardless of the name being applied (“alpha channel” in this case), it is just a device being used to store graphics data.

Referring to claim 2, Hollis discloses blending a color pixel outside the gaseous volume with a color pixel inside the volume based on the distance information (col. 12, lines 40-49).

Referring to claim 3, Hollis discloses adding an subtracting a distance from the user to the front and back faces of the gaseous volume (col. 10, lines 4-5).

Referring to claim 4, Hollis discloses where storing the distances comprises calculating a total travel distance through the gaseous volume (col. 12, line 48).

Referring to claim 5, Hollis discloses displaying the blended pixel on a display screen (col. 5, line 52).

Referring to claim 6, Hollis discloses where the gaseous volume is a 3D bounded volume (col. 3, line 35).

Referring to claim 7, Hollis discloses one or more computer-readable media comprising computer-executable instructions (col. 6, line 47).

Referring to claim 8, Hollis further discloses a fog unit, configured to receive the travel distance and convert the data to a fog factor (col. 9, lines 60-67).

Referring to claim 9, Hollis discloses a frame buffer to store pixel data (col. 9, line 39).

Referring to claim 10, the remarks presented with respect to claims 5 and 9, above, apply equally to this claim.

Referring to claim 11, the remarks presented with respect to claims 3 and 4, above, apply equally to this claim.

Referring to claim 12, Hollis discloses where the system might be a flight simulator (col. 3, line 21).

Referring to claim 13, Hollis discloses where the system is a video game system (col. 6, line 49).

Referring to claim 14, the remarks presented with respect to claim 1, above, apply equally to this claim.

Referring to claim 15, the remarks presented with respect to claim 1, above, apply equally to this claim.

Referring to claim 16, the remarks presented with respect to claim 2, above, apply equally to this claim.

Referring to claim 17, the remarks presented with respect to claim 14, above, apply equally to this claim.

Referring to claim 19, the remarks presented with respect to claims 1 and 3, above, apply equally to this claim.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollis, in view of Deering, U.S. Patent Publication No. US 2001/0030648 A1. Hollis does not disclose scaled total travel distance throughout the 3D volume. Deering discloses a graphics system to render 3D objects obscured by fog where the fog depends on the radial distance from the object to the viewpoint (paragraph 20) including scaling the object (paragraph 56). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to provide scaling factors. One of ordinary skill in the art would have been motivated to do this in order to provide the user with more control over manipulation of the object. Although Deering provides for object scaling (i.e. stretching or shrinking) as opposed to distance scaling, the two both provide the user with control over the graphics space.

4. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollis in view of Dorbie. Referring to claim 20, Hollis further discloses texture data stored in memory (col. 9, lines 27-30). Hollis does not disclose where this texture data is 1-dimensional. Dorbie, U.S. Patent No. 6,545,685, discloses polygons with one-dimensional texture to control brightness (col. 9, lines 1-3). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art for the texture in this case to be one-dimensional rather than 2-

dimensional. One of ordinary skill in the art would have been motivated to do this because as pointed out in this case, the texture data can provide color, alpha and depth information, which is similar to the brightness data of Dorbie.

Referring to claim 21, Hollis discloses where the graphics subsystem includes texture coordinate generator (col. 9, line 23).

Referring to claim 22, the remarks presented with respect to claim 21, above, apply equally to this claim (where a “texgen” is defined at page 9 of the specification to be a “texture coordinate generator”).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Adam Arnold** whose telephone number is **703-305-8413**. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

Art Unit: 2671

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.


MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600